

KARNATAKA LOKAYUKTA

NO:UPLOK-2/DE/381/2016/ARE-9

M.S.Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru - 560 001.
Date: 23.1.2023

:: ENQUIRY REPORT ::**:: Present ::****(S.GOPALAPPA)**

**I/c Additional Registrar of Enquiries -9
Karnataka Lokayukta,
Bengaluru**

Sub: Departmental Inquiry against Smt.V.K.Manu,
Panchayath development officer, Hosa
Agrahara Grama Panchayath, K.R.Nagara
Taluk, Mysore District - reg.

Ref: 1. G.O.No. ಗ್ರಾಅಪ /511/ಗ್ರಾಪಂಕಾ /2016 Bengaluru
dated: 6.9.2016.

2.Nomination Order No: UPLOK-
2/DE/381/2016 Bangalore dated: 17.9.2016
of Hon'ble Upalokayukta-2

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This Departmental Inquiry is initiated against Smt.V.K.Manu,
Panchayath development officer, Hosa Agrahara Grama Panchayath,
K.R.Nagara Taluk, Mysore District (hereinafter referred to as the
Delinquent Government Official for short "DGO").

2. In pursuance of the Government Order cited above at
reference No.1, Hon'ble Upalokayukta vide order dated 17.9.2016
cited above at reference No.2 has nominated Additional Registrar of

Enquiries-9 (in short ARE-9) to frame Articles of charges and to conduct the inquiry against the aforesaid DGO.

3. This Authority (ARE-9) has issued the Articles of charges, Statement of imputations of misconduct, list of witnesses proposed to be examined in support of the charges and list of documents proposed to be relied in support of the charges.

4. The Article of charges issued by the ARE-9 against the DGO is as under :

ANNEXURE-I
CHARGE

ಅ.ಸ.ನೌ. ಶ್ರೀಮತಿ ವಿ.ಕೆ.ಮನು, ಪಂಚಾಯತ್ ಅಭಿವೃದ್ಧಿ ಅಧಿಕಾರಿ, ಹೊಸಗ್ರಹಾರ ಗ್ರಾಮ ಪಂಚಾಯತ್, ಕೆ.ಆರ್.ನಗರ ತಾಲ್ಲೂಕು, ಮೈಸೂರು ಜಿಲ್ಲೆ ಇಲ್ಲಿ ಕರ್ತವ್ಯ ನಿರ್ವಹಿಸುತ್ತಿದ್ದಾಗ ಮೈಸೂರು ಜಿಲ್ಲೆಯ ಹೊಸಗ್ರಹಾರ ಗ್ರಾಮದ ಶ್ರೀಮತಿ ಶೀಲಾ ಕೋಂ ರಾಜೇಗೌಡ ರವರು ಗ್ರಾಮ ಪಂಚಾಯತ್ ವ್ಯಾಪ್ತಿಯ ಬಸವೇಶ್ವರ ದೇವಸ್ಥಾನದ 30 ಅಡಿ ಜಾಗ ಹಾಗೂ ಸಾರ್ವಜನಿಕ ರಸ್ತೆಯನ್ನು ಒತ್ತುವರಿ ಮಾಡಿಕೊಂಡು ಹಾಗೂ ಗ್ರಾಮ ಪಂಚಾಯತಿಯಿಂದ ಯಾವುದೇ ಪರವಾನಗಿಯನ್ನು ಸಹಾ ಪಡೆಯದೇ ಮನೆ ನಿರ್ಮಾಣ ಮಾಡಿರುವುದರಿಂದ ಶಿಸ್ತು ಕ್ರಮಕ್ಕೆ ಬಾಧ್ಯರಾಗಿರುತ್ತೀರಿ. ಆದ್ದರಿಂದ ಅ.ಸ.ನೌ.ರಾದ ನೀವು ಸಾರ್ವಜನಿಕ ನೌಕರರಾಗಿ ನಿಮ್ಮ ಕರ್ತವ್ಯ ನಿರ್ವಹಣೆಯಲ್ಲಿ ನಿಷ್ಠೆ ಇಲ್ಲದೆ ಹಾಗೂ ಕರ್ತವ್ಯ ಲೋಪವೆಸಗಿ ಕರ್ನಾಟಕ ನಾಗರಿಕ ಸೇವಾ (ನಡತೆ) ನಿಯಮಾವಳಿ 1966ರ 3(1) (i) to (iii) ನೇ ನಿಬಂಧನೆಯನ್ನು ಉಲ್ಲಂಘಿಸಿ ದುರ್ನಡತೆ ಮಾಡಿರುತ್ತೀರಿ.

ANNEXURE-II**STATEMENT OF IMPUTATION OF MISCONDUCT:**

ಶ್ರೀ ಹೆಚ್.ಎಸ್.ಸತ್ಯನಾರಾಯಣ ಕೋಂ ನಾಗಪ್ಪ, ಹೊಸ ಅಗ್ರಹಾರ, ಕೆ.ಆರ್.ನಗರ ತಾಲ್ಲೂಕು, ಮೈಸೂರು ಜಿಲ್ಲೆ (ಇನ್ನು ಮುಂದೆ 'ದೂರುದಾರರು' ಎಂದು ಕರೆಯಲ್ಪಡುತ್ತಾರೆ) ರವರು ಈ ದೂರನ್ನು, ಶ್ರೀಮತಿ ವಿ.ಕೆ.ಮನು, ಪಂಚಾಯತ್ ಅಭಿವೃದ್ಧಿ ಅಧಿಕಾರಿ, ಹೊಸಅಗ್ರಹಾರ ಗ್ರಾಮ ಪಂಚಾಯತ್, ಕೆ.ಆರ್.ನಗರ ತಾಲ್ಲೂಕು, ಮೈಸೂರು ಜಿಲ್ಲೆ ಇವರ ವಿರುದ್ಧ ದಾಖಲಿಸಿ, ಮೈಸೂರು ಜಿಲ್ಲೆಯ ಹೊಸಗ್ರಹಾರ ಗ್ರಾಮದ ಶ್ರೀಮತಿ ಶೀಲಾ ಕೋಂ ರಾಜೇಗೌಡ ರವರು ಗ್ರಾಮ ಪಂಚಾಯತ್ ವ್ಯಾಪ್ತಿಯ ಬಸವೇಶ್ವರ ದೇವಸ್ಥಾನದ 30 ಅಡಿ ಜಾಗ ಹಾಗೂ ಸಾರ್ವಜನಿಕ ರಸ್ತೆಯನ್ನು ಒತ್ತುವರಿ ಮಾಡಿಕೊಂಡು ಹಾಗೂ ಗ್ರಾಮ ಪಂಚಾಯತಿಯಿಂದ ಯಾವುದೇ ಪರವಾನಗಿಯನ್ನು ಸಹಾ ಪಡೆಯದೇ ಮನೆ ನಿರ್ಮಾಣ ಮಾಡುತ್ತಿದ್ದಾರೆಂದು, ಈ ಬಗ್ಗೆ ಅಸನೌರಿಗೆ ಸೂಕ್ತ ಕ್ರಮ ಕೈಗೊಳ್ಳಬೇಕಾಗಿ ಕೇಳಿಕೊಂಡರೂ ಸಹಾ, ಯಾವುದೇ ಕ್ರಮ ಕೈಗೊಂಡಿರುವುದಿಲ್ಲವೆಂದು ಆರೋಪಿಸಿದ್ದರಿಂದ, ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ಕಾಯ್ದೆ 1984ರ ಕಲಂ 9 ರಡಿಯಲ್ಲಿ ಪ್ರದತ್ತವಿರುವ ಅಧಿಕಾರ ಚಲಾಯಿಸಿ, ವಿಚಾರಣೆಗೆ ತೆಗೆದುಕೊಂಡು ತನಿಖೆ ಮಾಡಿದೆ.

ದೂರುದಾರರು ಸಲ್ಲಿಸಿರುವ ದೂರಿನ ಸಂಬಂಧಿಸಿದಂತೆ, ಅಸನೌರಿರು ದಿನಾಂಕ: 16/09/2014 ರಂದು ಆಕ್ಷೇಪಣೆಯನ್ನು ಸಲ್ಲಿಸಿರುತ್ತಾರೆ. ಸದರಿ ಆಕ್ಷೇಪಣೆಯಲ್ಲಿ, ಶೀಲಾ ಕೋಂ ರಾಜೇಗೌಡ ರವರು ಮನೆಯನ್ನು ಕೆಡವಲು ಹಾಗೂ ಕಟ್ಟಲು ಯಾವುದೇ ಲೈಸೆನ್ಸ್‌ನ್ನು ಪಡೆದಿರುವುದಿಲ್ಲ, ಆದರೆ ಈ ಬಗ್ಗೆ ಕ್ಷಮಾಪಣೆಯನ್ನು ಕೋರಿರುತ್ತಾರೆಂದು ತಿಳಿಸಿರುತ್ತಾರೆ. ಇದು ಅಲ್ಲದೇ, ಮಹಜರ್ ಮಾಡಿದಾಗ ಶ್ರೀಮತಿ ಶೀಲಾ ಕೋಂ ರಾಜೇಗೌಡ ರವರು ಹಳೆಯ ಮನೆಯನ್ನು ಕೆಡವಿ ಅದೇ ಜಾಗದಲ್ಲಿ, ಅದೇ ಅಳತೆಯಲ್ಲಿ ಪೂರ್ವ-ಪಶ್ಚಿಮ 36 ಅಡಿ, ದಕ್ಷಿಣ-50 ಅಡಿಗಳಲ್ಲಿ ಮನೆಯನ್ನು ಕಟ್ಟಿರುತ್ತಾರೆಂದು ತಿಳಿಸಿರುತ್ತಾರೆ. ಮತ್ತೆ ಮುಂದುವರೆದು, ಶ್ರೀಮತಿ ಶೀಲಾ ರಾಜೇಗೌಡ ರವರು ದಿನಾಂಕ: 15/07/2014 ರಂದು ಲೈಸೆನ್ಸ್ ನೀಡಬೇಕಾಗಿ ಕೋರಿ ಅರ್ಜಿ ಸಲ್ಲಿಸಿದ್ದು, ಸದರಿ ಅರ್ಜಿಯನ್ನು ಸಾಮಾನ್ಯ ಸಭೆಯಲ್ಲಿ ಮಂಡಿಸಿದಾಗ ಸಭೆಯ

ಸರ್ವ ಸದಸ್ಯರುಗಳು, ಶ್ರೀಮತಿ ಶೀಲಾ ರಾಜೇಗೌಡ ರವರಿಗೆ ರೂ.1,000/- ಗಳ ದಂಡವನ್ನು ವಿಧಿಸಿ ಲೈಸೆನ್ಸ್ ಶುಲ್ಕವನ್ನು ಕಟ್ಟಿಸಿಕೊಂಡು ಲೈಸೆನ್ಸ್ ನೀಡಲು ಸರ್ವಾನುಮತದಿಂದ ತೀರ್ಮಾನ ಕೈಗೊಳ್ಳಲಾಗಿದೆ ಎಂದು ತಿಳಿಸಿರುತ್ತಾರೆ. ಹಾಗೂ ಶ್ರೀ ಸತ್ಯನಾರಾಯಣರವರು ರಾಜೇಗೌಡರವರಿಗೆ ದೇವಸ್ಥಾನಕ್ಕೆ ದೇಣಿಗೆ ಕೊಡಲು ಒಪ್ಪದ ಕಾರಣ ದೇವಸ್ಥಾನದ ಜಾಗ ಒತ್ತುವರಿಯಾಗಿದೆ ಎಂದು ಸುಳ್ಳು ದೂರು ನೀಡಿದ್ದಾರೆಂದು ಗ್ರಾಮಸ್ಥರು ಮಹಜರ್ ಸಮಯದಲ್ಲಿ ಹೇಳಿಕೆ ನೀಡಿ ಸಹಿ ಮಾಡಿರುತ್ತಾರೆಂದು ತಿಳಿಸಿರುತ್ತಾರೆ.

ಕಾರ್ಯನಿರ್ವಾಹಕ ಅಧಿಕಾರಿಗಳು, ತಾಲ್ಲೂಕು ಪಂಚಾಯತ್, ಕೆ.ಆರ್.ನಗರ ರವರು ದಿನಾಂಕ: 10/10/2014 ರಂದು ತಮ್ಮ ವರದಿಯನ್ನು ಸಲ್ಲಿಸಿರುತ್ತಾರೆ. ಸದರಿ ವರದಿಯಲ್ಲಿ, ದಿನಾಂಕ: 05/06/2014 ರಂದು ಹೊಸ ಅಗ್ರಹಾರ ಗ್ರಾಮ ಪಂಚಾಯತಿಗೆ ಸಹಾಯಕ ನಿರ್ದೇಶಕರು, (ಗ್ರಾ.ಉ) ತಾಲ್ಲೂಕು ಪಂಚಾಯತಿ, ಕೆ.ಆರ್.ನಗರ ರವರೊಂದಿಗೆ ದೂರುದಾರರು ಹಾಗೂ ಶ್ರೀ ರಾಜೇಗೌಡ ಮತ್ತು ಗ್ರಾಮಸ್ಥರ ಸಮ್ಮುಖದಲ್ಲಿ ಮಹಜರ್ ಮಾಡಲಾಗಿ ಶ್ರೀ ರಾಜೇಗೌಡ ರವರು ಯಾವುದೇ ಜಾಗವನ್ನು ಒತ್ತುವರಿ ಮಾಡಿಕೊಂಡಿರುವುದಿಲ್ಲವೆಂದು ಹಾಗೂ ಸದರಿ ಜಾಗದಲ್ಲಿ ದೇವಸ್ಥಾನ ನಿರ್ಮಾಣ ಮಾಡುತ್ತಿದ್ದು, ಸತ್ಯನಾರಾಯಣ,ದೂರುದಾರರು ಶ್ರೀ ರಾಜೇಗೌಡ ರವರಿಗೆ ವಂತಿಕೆ ನೀಡುವಂತೆ ಕೇಳಿದಾಗ, ವಂತಿಕೆ ಕೊಡಲು ಒಪ್ಪದ ಕಾರಣ ಸದರಿ ದೂರನ್ನು ನೀಡಿರುತ್ತಾರೆಂದು ಸ್ಥಳದಲ್ಲಿ ಹಾಜರಿದ್ದ ಗ್ರಾಮಸ್ಥರು ಖುದ್ದಾಗಿ ಹೇಳಿಕೆ ನೀಡಿ ಸಹಿ ಮಾಡಿರುತ್ತಾರೆಂದು ತಿಳಿಸಿರುತ್ತಾರೆ.

ಮುಖ್ಯ ಕಾರ್ಯನಿರ್ವಾಹಕ ಅಧಿಕಾರಿಗಳು, ಜಿಲ್ಲಾ ಪಂಚಾಯತ್, ಮೈಸೂರು ರವರು ದಿನಾಂಕ: 23/10/2014 ರಂದು ತಮ್ಮ ವರದಿಯನ್ನು ಸಲ್ಲಿಸಿರುತ್ತಾರೆ. ಸದರಿ ವರದಿಯಲ್ಲಿ, ಶ್ರೀಮತಿ ಶೀಲಾ ಕೋಂ ರಾಜೇಗೌಡ ರವರು ಮನೆ ನಿರ್ಮಾಣಕ್ಕೆ ಪರವಾನಗಿ ಪಡೆಯಲು ನೋಟಿಸ್ ನೀಡಿರುವುದಲ್ಲದೇ ಸ್ಥಳ ಪರಿಶೀಲನೆ ನಡೆಸಿ ಸದರಿಯವರು ಹಳೆಯ ಮನೆಯನ್ನು ಕೆಡವಿ ಅದೇ ಸ್ಥಳದಲ್ಲಿ 36' * 50' ಅಡಿ ವಿಸ್ತೀರ್ಣದ ಮನೆ ಕಟ್ಟುತ್ತಿರುವರೆಂದು, ದೇವಸ್ಥಾನ ನಿರ್ಮಾಣಕ್ಕೆ ವಂತಿಗೆ ನೀಡದಿರುವುದರಿಂದ ದೇವಸ್ಥಾನದ ಜಾಗ ಒತ್ತುವರಿಯಾಗಿರುವುದೆಂದು ದೂರುದಾರರು ದೂರು ಸಲ್ಲಿಸಿರುತ್ತಾರೆಂದು ತಿಳಿಸಿರುತ್ತಾರೆ. ಮತ್ತೆ ಮುಂದುವರೆದು, ದೂರುದಾರರು

ಲೋಕಾಯುಕ್ತ ಕಛೇರಿಗೆ ದೂರು ನೀಡುವ ಪೂರ್ವದಲ್ಲಯೇ ಹೊಸಅಗ್ರಹಾರ ಗ್ರಾಮ ಪಂಚಾಯತ್‌ನ ಪಂಚಾಯತ್ ಅಭಿವೃದ್ಧಿ ಅಧಿಕಾರಿ ಕ್ರಮವಹಿಸಿರುವುದರಿಂದ ಶೀಲಾ ಕೋಂ ರಾಜೇಗೌಡ ರವರಿಗೆ ದಂಡ ಶುಲ್ಕ ರೂ.1,000/- ಗಳನ್ನು ವಿಧಿಸಿ ಗ್ರಾಮ ಪಂಚಾಯತಿಯು ಸದರಿಯವರಿಗೆ ಮನೆ ನಿರ್ಮಾಣಕ್ಕೆ ಪರವಾನಗಿ ನೀಡಲು ಕ್ರಮ ಕೈಗೊಂಡಿರುತ್ತದೆಂದು ತಿಳಿಸಿರುತ್ತಾರೆ.

ದೂರುದಾರರು ದಿನಾಂಕ: 23/01/2015 ರಂದು ತಮ್ಮ ಪ್ರತ್ಯುತ್ತರವನ್ನು ಸಲ್ಲಿಸಿರುತ್ತಾರೆ. ಸದರಿ ಪ್ರತ್ಯುತ್ತರದಲ್ಲಿ ಅಸನೌರರು ಮಾಡಿರುವ ಆಪಾದನೆಗಳನ್ನೆಲ್ಲಾ ಅಲ್ಲಗಳೆಯುತ್ತಾ, ದೂರಿನಲ್ಲಿನ ಆಪಾದನೆಗಳನ್ನೇ ಪುನರಾವರ್ತನೆ ಮಾಡಿರುತ್ತಾರೆ.

ಆದುದರಿಂದ, ಕಡತದಲ್ಲಿನ ಆಧಾರಗಳಿಂದ, ಈ ಕೆಳಕಂಡ ಅಂಶಗಳು ಸ್ಪಷ್ಟವಾಗುತ್ತವೆ.

ಶ್ರೀಮತಿ ಶೀಲಾ ಕೋಂ ರಾಜೇಗೌಡ ರವರು ಹಳೆ ಮನೆಯನ್ನು ಕೆಡವಿ ಹೊಸ ಮನೆಯನ್ನು ನಿರ್ಮಿಸುವಾಗ ಲೈಸೆನ್ಸ್‌ನ್ನು ಪಡೆಯದೇ ಮನೆ ನಿರ್ಮಿಸಿರುತ್ತಾರೆ. ಅನಂತರ ಸದರಿ ಮನೆಗೆ ಸಂಬಂಧಪಟ್ಟಂತೆ ರೂ.1,000/- ಗಳನ್ನು ಗ್ರಾಮ ಪಂಚಾಯತಿಗೆ ದಂಡ ಪಾವತಿಸಿ, ನಂತರ ಗ್ರಾಮ ಪಂಚಾಯತಿಯಿಂದ ಲೈಸೆನ್ಸ್ ಪಡೆದಿರುತ್ತಾರೆ.

ದೂರುದಾರರು ದಿನಾಂಕ: 26/05/2014 ರಂದು ಅಸನೌರರಿಗೆ ದೂರು ಸಲ್ಲಿಸಿ, ಶ್ರೀಮತಿ ಶೀಲಾ ಕೋಂ ರಾಜೇಗೌಡ ರವರು ಅಕ್ರಮವಾಗಿ ಮನೆ ನಿರ್ಮಾಣ ಮಾಡುತ್ತಿದ್ದಾರೆಂದು ದೂರು ಸಲ್ಲಿಸಿದ ನಂತರ, ಅಸನೌರರು, ಶ್ರೀಮತಿ ಶೀಲಾ ಕೋಂ ರಾಜೇಗೌಡ ರವರಿಗೆ ನೋಟಿಸ್ ನೀಡಿರುತ್ತಾರೆ.

ಶ್ರೀಮತಿ ಶೀಲಾ ಕೋಂ ರಾಜೇಗೌಡ ರವರು ಲೈಸೆನ್ಸ್ ಪಡೆಯದೇ ಮನೆ ನಿರ್ಮಾಣ ಮಾಡುತ್ತಿರುವುದನ್ನು ಪಂಚಾಯತ್ ಅಭಿವೃದ್ಧಿ ಅಧಿಕಾರಿಯಾದ ಅಸನೌರರು ಮೊದಲು ಕಟ್ಟಡ ನಿರ್ಮಾಣ ಕಾರ್ಯವನ್ನು ಸ್ಥಗಿತಗೊಳಿಸಿ, ಶ್ರೀಮತಿ ಶೀಲಾ ಕೋಂ ರಾಜೇಗೌಡ ರವರಿಗೆ ಮೊದಲು ಲೈಸೆನ್ಸ್‌ನ್ನು ಪಡೆದು ನಂತರ ಮನೆ ನಿರ್ಮಾಣ ಮಾಡಬೇಕಾಗಿ ಸೂಚಿಸುವುದು ಅಸನೌರರ ಆದ್ಯ ಕರ್ತವ್ಯವಾಗಿರುತ್ತದೆ. ಆದರೆ, ಅಸನೌರರು ಇದನ್ನು ಪಾಲಿಸಿರುವುದು ಕಂಡುಬರುವುದಿಲ್ಲ.

ಅಸನೌರರು ಒಬ್ಬ ಜವಾಬ್ದಾರಿಯುತ ಸರ್ಕಾರಿ ನೌಕರನಾಗಿದ್ದುಕೊಂಡು ಗ್ರಾಮದಲ್ಲಿ ಅಕ್ರಮವಾಗಿ ಅಂದರೆ ಲೈಸೆನ್ಸ್ ಪಡೆಯದೇ ಮನೆ ನಿರ್ಮಿಸುತ್ತಿರುವುದರ ಬಗ್ಗೆ ಕ್ರಮ ಕೈಗೊಳ್ಳಬೇಕಾಗಿರುವುದು ಆದ್ಯ ಕರ್ತವ್ಯವಾಗಿರುತ್ತದೆ. ಆದರೆ, ಇಲ್ಲಿ ಅಸನೌರರಿಗೆ ದಿನಾಂಕ: 26/05/2014 ರಂದು ಅರ್ಜಿ ಸಲ್ಲಿಸಿದ ನಂತರ, ಸದರಿಯವರು ನೋಟಿಸ್ ನೀಡಿ ಕರ್ತವ್ಯ ಲೋಪ ಎಸಗಿರುವುದು ಕಂಡುಬರುತ್ತದೆ.

ದೂರುದಾರರು ದೂರು ಹಾಗೂ ತನಿಖಾಧಿಕಾರಿಗಳ ವರದಿ ಹಾಗೂ ಕಡತದಲ್ಲಿರುವ ದಾಖಲೆಗಳನ್ನು ಪರಿಶೀಲಿಸಿದಾಗ, ಮೇಲ್ನೋಟಕ್ಕೆ ಅಸನೌರರ ವಿರುದ್ಧ ಇಲಾಖಾ ವಿಚಾರಣೆ ನಡೆಸುವ ಸಂಬಂಧ ಮುಂದುವರಿಯುವುದು ಅಗತ್ಯ ಎಂದು ಕಂಡುಬಂದಿದ್ದು, ಸರ್ಕಾರಿ/ಸಾರ್ವಜನಿಕ ಸೇವಕರಾಗಿದ್ದು ತಮ್ಮ ಕರ್ತವ್ಯ ಪಾಲನೆಯಲ್ಲಿ ಪರಿಪೂರ್ಣ ಕರ್ತವ್ಯ ನಿಷ್ಠೆಯನ್ನು ತೋರಿಸದೆ ಮತ್ತು ಸಾರ್ವಜನಿಕ ಸೇವಕರಿಗೆ ತರವಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡಿರುವುದು ವೇದ್ಯವಾಗುತ್ತದೆ.

ಆದುದರಿಂದ, ಮೇಲಿನ ಕಾರಣ ಹಾಗೂ ಕಡತದಲ್ಲಿನ ಆಧಾರಗಳಿಂದ, ಅಸನೌರರು ಕರ್ನಾಟಕ ನಾಗರೀಕ ಸೇವಾ (ನಡತೆ) ನಿಯಮಗಳು, 1966ರ, ನಿಯಮ 3(1) (i) to (iii) ರಲ್ಲಿ ಹೇಳಿದಂತೆ ದುರ್ನಡತೆ/ದುವರ್ತನೆಯಿಂದ ವರ್ತಿಸಿ ಶಿಸ್ತು ಕ್ರಮಕ್ಕೆ ಬಾಧ್ಯರಾಗಿದ್ದಾರೆಂದು ಕಂಡುಬಂದದ್ದರಿಂದ, ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ಕಾಯ್ದೆಯ ಕಲಂ 12(3) ರಡಿಯಲ್ಲಿ ಪ್ರದತ್ತವಾದ ಅಧಿಕಾರದಡಿಯಲ್ಲಿ, ಈ ಮೂಲಕ ಅಸನೌರರ' ವಿರುದ್ಧ ಶಿಸ್ತು ನಡವಳಿಕೆ ಹೂಡಲು ಮತ್ತು ಹಾಗೆಯೇ ಕರ್ನಾಟಕ ನಾಗರೀಕ ಸೇವಾ (ವರ್ಗೀಕರಣ, ನಿರ್ಬಂಧ ಮತ್ತು ಮೇಲ್ಮನವಿ) ನಿಯಮಗಳು, 1957ರ ನಿಯಮ 14-ಎ ರ ಅಡಿಯಲ್ಲಿ ಅಸನೌರರ ವಿರುದ್ಧ ಇಲಾಖಾ ವಿಚಾರಣೆ ಮಾಡಲು ಈ ಪ್ರಾಧಿಕಾರಕ್ಕೆ ಒಪ್ಪಿಸುವಂತೆ, ಶಿಸ್ತು ಪ್ರಾಧಿಕಾರಕ್ಕೆ ಶಿಫಾರಸ್ಸು ಮಾಡಿದೆ. ಆದ್ದರಿಂದ ಈ ದೋಷಾರೋಪಣೆ.

5. The Article of charge was issued to the DGO calling upon her to appear before this authority and to submit written statement.

6. The DGO appeared before this inquiry authority in pursuance to the service of the Article of charges. In FOS plea of the DGO has been recorded and she pleaded not guilty and claimed for holding inquiry. Thereafter, she submitted written statement.

7. DGO in her written statement stated that after the receipt of complaint on 27-04-2014, immediately the said Sheela W/o RajeGowda was instructed to stop the construction of the building,

and she stopped the construction work of the house. Later, on 2-06-2014, DGO conducted spot inspection and on 05-06-2014, Executive Officers and Assistant Director visited Hosa Agrahara village and conducted mahazara. Even at that time Sheela W/o RajeGowda was not constructing any building. And the said Sheela W/o RajeGowda has provided a demand register stating that she is constructing a building in the place of an old house and has requested for an apology for not getting a license for the construction and has applied for a license. Accordingly, when the matter was presented in the general body meeting of the Panchayat on 15-7-2014, Sheela W/o RajeGowda was fined Rs.1,000/- and the license was granted by the DGO, only after the decision of meeting. When the DGO had done the spot mahajar, Sheela W/o RajeGowda demolished the old house and built a house on the same place, and told them that they would not encroach on the land related to the temple or the public road.

DGO started her career on 26-04-2014 and there was a situation of inevitability to take charge of herself. The reason is that the officer who was serving in the position of DGO fell into the trap of the Lokayukta and failed to give clarification inquiries to the DGO related to the office he held. At the time of receiving the complaint from the complainant, the said Sheela W/o RajeGowda had demolished her old house and 75% of the construction work was completed, the said construction required a minimum period of one year.

When DGO and others went to inspect the place, they filed a complaint for not giving denotation to the temple as per the statement of the villagers. DGO, thinking that Sri.Satyanarayan had complained of public concern, responded immediately and took legal action,

stopped the building construction work and till date. On 15-07-2014 issued the building construction license, she successfully fulfilled her duty in her short period of experience as Gram Panchayat Development Officer. With these grounds, she prayed to drop the charges leveled against him.

8. The disciplinary authority has examined Sri.H.M.Siddalingamurthy, the then Executive Officer, K.R.Nagara taluk panchayath Mysore as PW.1, and got marked documents as **Ex.P-1 to ExP-5.**

9. Thereafter, second oral statement of DGO was recorded. Opportunity was provided to DGO to adduce evidence and DGO Smt.V.K.Manu, Panchayath development officer, has got examined herself as DW-1 and got marked one documents as **Ex.D-1 to Ex.D-11.**

10. Heard the submissions of Presenting Officer and DGO submitted her written arguments. Perused the entire records. The only point that arise for my consideration is:

1. Whether the Disciplinary Authority proves the charge framed against the DGO ?

My finding on the above point is in **NEGATIVE** for the following:

REASONS

11. According to PW-1 from 30.12.2013 to 31.10.2015 he was working as Executive Officer in K.R.Nagara Taluk Panchayath. During that time the DGO was working as Panchayath development

officer in Hosa Agrahara Grama panchayath. On 28.4.2014 the complainant has submitted a representation stating that Rajegowda S/o Javareegowda is constructing a house encroaching the temple property and government road. He forwarded the said representation to the DGO. On 5.6.2014 he visited the spot, in the presence of villagers and elders, he has drawn the mahazar, recorded the statement of villagers. The villagers informed that when Rajegowda refused to give donation to the temple, this complaint is filed. On verification of the spot he found that Rajegowda after demolishing the old building, was constructing a new building. The property of Rajegowda is measuring east-west 36 feet and north-south 50feet. Out of it Rajegowda is constructing the house measuring east-west -34 feet and North-south- 50 feet. Leaving 2 feet towards road Rajegowda was constructing the house. Rajegowda had not encroached the road portion and the property of Basaveshwara temple. Accordingly he has submitted a report along with documents as per Ex.P-1.

12. In the cross examination PW-1 has deposed that on 5.6.2014 at 3-15 PM he had visited Hosa Agrahara Grama Panchayath. Before going to the mahazar he had not given notice to the DGO. At the time of spot verification, the villagers, elders and DGO were present. PW-1 admits that on 26.5.2014 complainant had given a representation and on 27.5.2014 the DGO had given a notice to the owner of house. He admits that on 2.6.2014 the DGO has drawn the mahazar and submitted a report to him. He admits that the DGO in his report Ex.P-1 (a) has stated that Rajegowda has not encroached the temple property and road. He admits that on 5.6.2014 when he has drawn the mahazar he found that the temple property and road

were not encroached. He admits that the villagers and elders also informed that the road property and temple property were not encroached, but when Rajegowda refused to give denotation, the complainant has filed this false complaint in order to grab the money from him. He admits that the DGO has performed his duty in accordance with Law.

13. According to DW-1 from 1.4.2014 to 31.1.2015 she worked as Panchayath development officer and in May 2017 she submitted her resignation and her resignation was accepted. When she was working as Panchayath development officer complainant gave a representation on 26.5.2014 stating that Rajegowda is constructing a house encroaching a road portion, on 27.5.2014 she issued a notice to Rajegowda, on 28.5.2014 Rajegowda submitted an application for building license. On 2.6.2014 she visited the spot and found that Rajegowda has not encroached any property and he was constructing the house within the property mentioned in Demand Register Extract and Assessment Register Extract.

14. Further according to DW-1 Smt. Sheela W/o Rajegowda on 15.7.2014 submitted an application and it was placed in General Body Meeting. The members of General Body Meeting imposed penalty of Rs.1000/- on Smt. Sheela W/o Rajegowda and decided to issue building license. At the time of mahazar the villagers informed that, when Rajegowda refused to give denotation, the complainant has filed this complaint stating that the temple property is encroached. On 5.6.2014 PW-1 also visited Hosa Agrahara grama panchayath in the presence of complainant, Rajegowda and villagers, drawn the mahazar

and found that Rajegowda had not encroached the temple property. When Rajegowda refused to give denotation the complainant has filed this complaint. Before she taking the charge Sheela W/o Rajegowda had already started to construct the house. At that time one Venkatesh was working. Therefore she is not responsible. The panchayath has collected the fine of Rs.1000/- and has issued building license. After receiving representation from the complainant on 27.5.2014 she has issued a notice to Sheela W/o Rajegowda and asked her to stop the construction until the license is issued. Immediately she has taken action. Therefore she has not committed any dereliction of duty. Hence, prays to exonerate from the charges.

15. In the cross examination DW-1 has deposed that earlier Secretary Sri.Venkatesh was under suspension, therefore she has taken the charge on her own. She admits that Basaveshwara temple was coming under her panchayath jurisdiction. Further she has deposed that Basaveshwara temple is situated 200 Mtrs away from panchayath office. Sheela W/o Rajegowda was the panchayath member. She denies that Sheela W/o Rajegowda encroaching the temple property and road portion and was constructing the house. She admits that Sheela W/o Rajegowda had not obtained building license. She admits that the complainant had given a complaint. She denies that she had not taken any action. DW-1 has voluntarily deposed that she had given a notice as per Ex.D-2 to Sheela W/o Rajegowda. She denies that before giving a representation illegal construction of house was within her knowledge. DW-1 has voluntarily deposed that on 1.4.2014 when she had taken the charge almost 75% of the house was completed. On 27.5.2014 the

complainant gave a representation and on the same day she has given the notice to Sheela W/o Rajegowda as per Ex.D-2. She admits that she has to verify the construction of buildings and other works within the grama panchayath limits. She denies that illegal construction of house was within her knowledge and she had not taken timely action.

16. According to the evidence of PW-1 and the report Ex.P-1 (a). Rajegowda S/o Javaregowda has the house property totally measuring east-west 36 feet and north-south 50 feet. Out of that said Rajegowda was constructing the house measuring 34½ feet east-west and 50 feet north-south, leaving 1 ½ feet towards road. This report is submitted by the Panchayath development officer (DGO) herself. Therefore it is very clear that the said Rajegowda without leaving the set back was constructing the house and without obtaining the building license from grama panchayath was constructing a building.

17. PW-1 in his chief examination and also in his cross examination has deposed that Rajegowda or his wife Sheela has not encroached either temple property or road portion. The report of PW-1 Ex.P-1 also show that Rajegowda has not encroached temple property or the road portion. But the only thing is Rajegowda or his wife Sheela had not obtained building license from the grama Panchayath and left the set back. After the complainant submitted his representation on 28.5.2014 an application was submitted to grama panchayath for building license. On 2.6.2014 DGO also visited the spot and found that the said building was constructing within the property mentioned in Demand Register Extract and Assessment Register Extract. Subsequently on 15.7.2014 Sheela W/o Rajegowda

submitted an application for building license, it was placed before General Body Meeting and the members of General Body Meeting decided to issue the building license after imposing penalty of Rs.1000/- and subsequently the license was issued.

18. The complainant gave a representation on 26.5.2014 immediately on 27.5.2014 the DGO gave notice to Sheela W/o Rajegowda to stop the construction until the license is obtained and to produce the documents. Ex.D-3 is the copy of representation given by Rajegowda and Ramegowda to issue building license, in the back page of Ex.D-3 the secretary of grama panchayath made an endorsement on 4.8.2014 that according to the General Body Meeting decision the license was issued.

19. According to Ex.D-9 property No. 112/1 measuring east-west 18 feet and north-south 50 feet is standing in the name of Rajegowda S/o late Javaregowda. According to Ex.D-10 property No. 112/2 measuring east-west 18 feet and north-south 50 feet is standing in the name of Ramegowda S/o late Javaregowda. But Rajegowda has constructed the house measuring east-west 34½ feet and north-south 50 feet as per the copy of mahazar Ex.D-6. Ramegowda S/o late Javaregowda also has signed on Ex.D-3 and 4 which are the applications submitted to issue building license and expressing their willingness to pay the penalty.

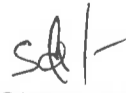
20. Moreover on 1.4.2014 the DGO has taken the charge as Panchayath development officer in Hosa Agrahara Grama Panchayath. Therefore the DGO might have not notice that the

license was not obtained to put up construction. On 26.5.2014 the complainant gave a representation as per Ex.D-1 to take suitable action against the illegal construction. Immediately on 27.5.2014 the DGO issued a notice to Sheela W/o Rajegowda to stop construction until the license is obtained and to produce documents. PW-1 also admits the same. Therefore, I hold that the disciplinary authority has failed to prove that the DGO while working as Panchayath development officer in Hosa Agrahara Grama Panchayath failed to take action against the encroachment of temple property and road portion.

21. Therefore, overall examination of the evidence on record shows that the disciplinary authority has not established the charges leveled against DGO. Hence, I proceed to record the following:-

FINDINGS

22. The Disciplinary Authority has not proved the charge leveled against DGO. Hence, this report is submitted to Hon'ble Upalokayukta for further action.



(S.GOPALAPPA)

I/c Additional Registrar Enquiries-9
Karnataka Lokayukta, Bengaluru.

i) List of witnesses examined on behalf of Disciplinary Authority.

PW.1	Sri.H.M.Siddalingamurthy, S/oH.S.Mallikarjunaiah, the then Executive Officer, K.R.Nagara taluk panchayath Original
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ii) List of Documents marked on behalf of Disciplinary Authority.

Ex.P 1	Ex.P-1 is the letter dtd: 14.10.2014 from Executive Officer, K.R.Nagara taluk panchayath to Hon'ble Lokayukta
Ex.P 2 & 3	Ex.p-2 and 3 are the complaint in form No. 1 and 2 dated: 20.6.2014 filed in Karnataka Lokayukta office
Ex.P-4	Ex.P-4 is the complaint dtd: 20.6.2014 filed in Karnataka Lokayukta office
Ex.P-5	Ex.P-5 is the letter from Sathyanarayana and villagers to Executive Officer, K.R.Nagara taluk panchayath

iii) List of witnesses examined on behalf of DGOs

DW-1	DGO -Smt.V.K.Manu, Panchayath development officer, Hosa Agrahara Grama Panchayath, K.R.Nagara Taluk, Mysore District
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iv) List of documents marked on behalf of DGO

Ex.D-1	Ex.D-1 is the letter dtd: 26.5.2014 from Hosa Agrahara villagers to President and Panchayath development officer of Hosa Agrahara grama panchayath
Ex.D-2	Ex.D-2 is the notice dtd: 27.5.2014 from Secretary Hosa Agrahara grama panchayath to Smt. Sheela S/o

	Rajegowda
Ex.D-3	Ex.D-3 is the letter from Rajegowda and Ramegowda to Executive Officer, K.R.Nagara taluk panchayath
Ex.D-4	Ex.D-4 is the letter from Rajegowda and Ramegowda to Executive Officer, K.R.Nagara taluk panchayath
Ex.D-5	Ex.D-5 is the receipt dtd: 18.11.2013 of Sri.Rajegowda
Ex.D-6 & 7	Ex.D-6 & 7 is the mahazar
Ex.D-8	Ex.D-8 is the receipt dtd: 18.11.2013 of Sri.Ramegowda
Ex.D-9 & 10	Ex.D-9 & 10 is the demand register extract
Ex.D-11	Ex.D-11 is the proceedings of meeting dtd: 15.7.2014

sd/-
(S.GOPALAPPA)
I/c Additional Registrar Enquiries-9
Karnataka Lokayukta,
Bengaluru.



KARNATAKA LOKAYUKTA

No.UPLOK-2/DE/381/2016/ ARE-9

Multi Storied Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560 001.
Dated 27.01.2023.

RECOMMENDATION

Sub:- Departmental inquiry against Smt.V.K.Manu,
Panchayath Development Officer, Hosa
Agrahara Grama Panchayath, K.R.Nagar Taluk,
Mysore District- reg.

Ref:- 1) Government Order No. RDP 511 GPS 2016
dated 06.09.2016.

2) Nomination order No. UPLOK-2/DE/381/2016
dated 17.09.2016 of Hon'ble Upalokayukta,
State of Karnataka.

3) Inquiry report dated 23.01.2023 of Additional
Registrar of Enquiries-9, Karnataka Lokayukta,
Bengaluru.

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The Government by its order dated 06.09.2016 initiated the  
disciplinary proceedings against Smt.V.K.Manu, Panchayath  
Development Officer, Hosa Agrahara Grama Panchayath,  
K.R.Nagar Taluk, Mysore District, [hereinafter referred to as

2.

Delinquent Government Official, for short as ' DGO' ] and entrusted the Departmental Inquiry to this Institution.

2. This Institution by Nomination Order No. UPLOK-2/DE/381/2016 dated 17.09.2016 nominated Additional Registrar of Enquiries-9, Karnataka Lokayukta, Bengaluru, as the Inquiry Officer to frame charges and to conduct departmental inquiry against DGO for the alleged charge of misconduct, said to have been committed by her.

3. The DGO was tried for the charge of allowing one Smt.Sheela to construct house without obtaining licence from the Panchayath and also by encroaching public road and temple property and thereby committing misconduct.

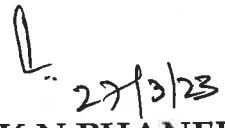
4. The Inquiry Officer (Additional Registrar of Enquiries- 9) on proper appreciation of oral and documentary evidence has held that, the Disciplinary Authority has '*failed to prove*' the above charge against the DGO Smt.V.K.Manu, Panchayath

Development Officer, Hosa Agrahara Grama Panchayath,  
K.R.Nagar Taluk, Mysore District.

5. On reconsideration of the materials on record, I do not find any reason to deviate from the opinion expressed by the Inquiry Officer. Hence, it is hereby recommended to the Government to accept the report of Inquiry Officer and exonerate DGO Smt.V.K.Manu, Panchayath Development Officer, Hosa Agrahara Grama Panchayath, K.R.Nagar Taluk, Mysore District, of the charges leveled against him.

6. Action taken in the matter shall be intimated to this Authority.

Connected records are enclosed herewith.

  
(JUSTICE K.N.PHANEENDRA)  
Upalokayukta,  
State of Karnataka.

